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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,632	03/15/2004	Constance S. Murray	18538.04	8534
37833	7590	07/24/2006	EXAMINER	
LITMAN LAW OFFICES, LTD PO BOX 15035 CRYSTAL CITY STATION ARLINGTON, VA 22215			BROWN, DREW J	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/799,632

Applicant(s)

MURRAY, CONSTANCE S.

Examiner

Drew J. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/11/06 (response to restriction req.).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-7, 10 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8, 9, 11-13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/15/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of species 3, in which the applicant believes that claims 12, 13, and 15-20 are readable upon, in the reply filed on 7/11/06 is acknowledged. In addition, it is noted that claims 8, 9, and 11 are directed to the elected species 3 and are therefore being considered on the merits by the examiner.
2. Claims 1-7, 10, and 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 7/11/06.
3. The traversal is on the grounds that the several species are interdependent to such an extent that restriction between them would not place a serious burden on the Examiner. This is not found persuasive because the only proper traverse to an election of species requirement is to state that the species are not patentably distinct. If the applicant(s) wish to do so, applicant(s) should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.
4. The requirement is still deemed proper and is therefore made FINAL.

Drawings

5. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the hardware being mounted to a component of the vehicle floor, beneath the vehicle seat must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet,

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even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Reference number 116' does not appear in the drawings as found in line 4 of page 9. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to because Figures 7 and 8 appear to be duplicate drawings.

Specification

8. The disclosure is objected to because of the following informalities:

- a. In line 20 of page 6, "harness vehicles" should be changed to --harness for vehicles--.
- b. In the brief description of the drawings, the examiner notes that Figures 10 does not have a description.

Appropriate correction is required.

Claim Objections

9. Claim 12 is objected to because of the following informalities: In line 13 of claim 12, "a lap belt" should be changed to --the lab belt--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

11. Claims 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "sure" renders the claims indefinite because it is unclear exactly what a "sure frame component" is.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lennox-Lamb (UK Pub. No. 2275597 A) in view of Roberts et al. (U.S. Pat. No. 3,954,280).

Lennox-Lamb discloses a lap belt (10, 12), an anchor strap (30) having a first end (top end in Figure 2) and a second end (bottom end in Figure 2), a clip-on fastener (34) coupled to the first end (Figure 2), a harness strap extending from the second end at angle, a proximate end fixedly attached to the anchor strap and a distal end ending in a loop, whereby forming an inverted Y-shape, and an adjustment device (24) disposed on the harness strap, designed and configured to adjust the length of the harness strap. Lennox-Lamb also discloses that the clip-on

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fastener is releasably attached to an anchor point of the vehicle (Figure 1), and that one end of the lap belt is threaded through the loops of the harness strap (Figure 2), whereby a passenger is secured into the vehicle seat, and the adjustment device is used to adjust the tension length of the harness strap.

Lennox-Lamb does not disclose that there is a pair of harness straps, where each strap has a length and an adjustment device. Roberts et al., however, does disclose a pair of harness straps (25 and 27), where each strap has a length and an adjustment device (39 and 41). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Lennox-Lamb in view of the teachings of Roberts et al. to have a pair of harness straps located on either side of the anchor strap, each having an adjustment device so the occupant can adjust each particular strap for a desired comfort level.

14. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lennox-Lamb in view of Roberts et al. as applied to claim 8 above, and further in view of Jay (U.S. Pat. No. 4,786,080).

The combination of Lennox-Lamb and Roberts et al. discloses the claimed invention as discussed above but does not disclose a strip of soft material having hook and loop fastening material attached to each harness strap, in proximity to each adjustment device, wherein the strip of soft material releasably surrounds each of the adjuster devices.

Jay, however, does disclose a strip of soft material (17) having hook and loop fasteners (26), wherein the strip is selectively positioned near the occupant's neck or shoulder for comfort. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Lennox-Lamb in view of the teachings of Jay to have a strip of soft material positioned around the adjustment devices, which are located adjacent the neck of the occupant, in order to protect the neck against irritation by the belt edge and prevent or reduce injury to the neck in the event of an accident (column 2, lines 1-3).

15. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lennox-Lamb in view of Roberts et al. as applied to claim 8 above, and further in view of Turvill et al. (U.S. Pat. No. 5,380,067).

The combination of Lennox-Lamb and Roberts et al. discloses the claimed invention as discussed above but does not disclose an additional rigid member that is disposed around the air of harness straps for maintaining the pair of harness straps in a proximal position about the chest of the passenger of a vehicle.

Turvill et al., however, does disclose an additional rigid member having a first portion (58), a second portion (50), a first mating fastener (72) part coupled to the first portion, a second mating fastener (80) part coupled to the second portion, wherein the additional rigid member is disposed around the pair of harness straps for maintaining the pair of harness straps in a proximal position about the chest of the passenger (Figure 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Lennox-Lamb in view of the teachings of Turvill et al. to use an additional rigid member so that harness straps will prevent an occupant of smaller stature from slipping in between the harness straps during a collision.

16. Claims 12, 16, 17, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lennox-Lamb in view of Roberts et al. and Susko et al. (U.S. Pat. No. 5,671,948).

Lennox-Lamb discloses a lap belt (10, 12), an adjustable (Figure 2) anchor strap (30) having a first end (top end in Figure 2) and a second end (bottom end in Figure 2), a clip-on fastener (34) fixedly and slidably attached to the first end (Figure 2), a harness strap extending from the second end at angle, a proximate end fixedly attached to the anchor strap and a distal end ending in a loop, whereby forming an inverted Y-shape, and an adjustment device (24) disposed on the harness strap, designed and configured to adjust the length of the harness strap. Lennox-Lamb also discloses that the clip-on fastener is releasably attached to hardware (Figure 1) that defines an anchor point of the vehicle, and that one end of the lap belt is threaded through the loops of the harness strap (Figure 2), whereby a passenger is secured into the vehicle seat, and the adjustment device is used to adjust the tension length of the harness strap. The hardware is mounted to a frame component of the vehicle body behind the vehicle seat (Figure 1).

Lennox-Lamb does not disclose that there is a pair of harness straps, where each strap has a length and an adjustment device. Roberts et al., however, does disclose a pair of harness straps (25 and 27), where each strap has a length and an adjustment device (39 and 41). Therefore, it

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would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Lennox-Lamb in view of the teachings of Roberts et al. to have a pair of harness straps located on either side of the anchor strap, each having an adjustment device so the occupant can adjust each particular strap for a desired comfort level.

Lennox-Lamb also does not disclose that the hardware that defines an anchor point and includes at least a nut and bolt, first and second washers, and an angled plate having an eyelet and a bolt hole, wherein the angled plate is mounted to the vehicle using the bolt through the bolt hole, the first washer, the second washer, and the nut, and wherein the clip-on fastener is releasably attached to the eyelet of the angled plate.

Susko et al., however, does disclose hardware (Figure 5) including a nut and bolt, a washer, and an angled plate (60) having an eyelet (68) and a bolt hole, wherein the angled plate is mounted to the vehicle using the bolt through the bolt hole, the washer, and the nut. Susko et al. also discloses that the hardware is mounted to a frame component of the vehicle body beneath the vehicle seat (Figure 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Lennox-Lamb in view of the teachings of Susko et al. to include a nut and bolt, washers, and an angled plate having a bolt hole and an eyelet for the attachment of the clip-on fastener so that the safety harness can be securely anchored to the seat to protect the occupant during a collision.

Although Susko et al. does not show a second washer, the Examiner takes Official Notice that it is common in the art to use a second washer located adjacent the bolt head in order to create a more secure clamping connection.

17. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lennox-Lamb in view of Roberts et al. and Susko et al. as applied to claims 12, 16, 17, 19, and 20 above, and further in view of Jay.

The combination of Lennox-Lamb, Roberts et al., and Susko et al. discloses the claimed invention as discussed above but does not disclose a strip of soft material having hook and loop fastening material attached to each harness strap, in proximity to each adjustment device, wherein the strip of soft material releasably surrounds each of the adjuster devices.

Jay, however, does disclose a strip of soft material (17) having hook and loop fasteners (26), wherein the strip is selectively positioned near the occupant's neck or shoulder for comfort. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Lennox-Lamb in view of the teachings of Jay to have a strip of soft material positioned around the adjustment devices, which are located adjacent the neck of the occupant, in order to protect the neck against irritation by the belt edge and prevent or reduce injury to the neck in the event of an accident (column 2, lines 1-3).

18. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lennox-Lamb in view of Roberts et al. and Susko et al. as applied to claims 12, 16, 17, 19, and 20 above, and further in view of Turvill et al.

The combination of Lennox-Lamb, Roberts et al., and Susko et al. discloses the claimed invention as discussed above but does not disclose an additional rigid member that is disposed around the air of harness straps for maintaining the pair of harness straps in a proximal position about the chest of the passenger of a vehicle.

Turvill et al., however, does disclose an additional rigid member having a first portion (58), a second portion (50), a first mating fastener (72) part coupled to the first portion, a second mating fastener (80) part coupled to the second portion, wherein the additional rigid member is disposed around the pair of harness straps for maintaining the pair of harness straps in a proximal position about the chest of the passenger (Figure 1).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Lennox-Lamb in view of the teachings of Turvill et al. to use an additional rigid member so that harness straps will prevent an occupant of smaller stature from slipping in between the harness straps during a collision.

19. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lennox-Lamb in view of Roberts et al. and Susko et al. as applied to claims 12, 16, 17, 19, and 20 above, and further in view of Arditi et al. (U.S. Pub. No. 2002/0140279 A1).

The combination of Lennox-Lamb, Roberts et al., and Susko et al. discloses the claimed invention as discussed above but does not disclose that the hardware is mounted to a frame

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component of the vehicle seat. Arditi et al., however, does disclose that the hardware is mounted to a frame component of the vehicle seat (Figure 4). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Lennox-Lamb in view of the teachings of Arditi et al. to mount the hardware to the vehicle seat in order to simplify the assembly of the safety harness because the assembly can be done before the seat is installed in the vehicle.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stoll and Phillips et al. disclose similar safety harnesses.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Drew J. Brown whose telephone number is 571-272-1362. The examiner can normally be reached on Monday-Thursday from 8 a.m. to 4 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Drew J. Brown
Examiner
Art Unit 3616

db
7/20/06



DAVID R. DUNN
PRIMARY EXAMINER